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Review of the implementation of the recommendations and decisions adopted by the General Assembly at its tenth special session

Work of the Advisory Board on Disarmament Matters

Report of the Secretary-General

Summary

The Secretary-General's Advisory Board on Disarmament Matters held its fifty-first and fifty-second sessions, respectively, in New York from 18 to 20 February 2009 and in Geneva from 1 to 3 July 2009. As part of the improvements made in its method of work since 2008, the Board focused its deliberations during both sessions on two substantive agenda items: (a) cyberwarfare and its impact on international security and (b) ways to strengthen the field of verification, including the role of the United Nations. At its February session, the Board agreed to consider an additional substantive agenda item entitled "Conceptual issues leading up to the 2010 NPT Review Conference", in view of ongoing developments in the field of nuclear disarmament and non-proliferation prior to the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons to be held in May 2010.

Regarding the issue of cyberwarfare and its impact on international security, the Board recommended that the Secretary-General raise the awareness of Governments and the general public of the emerging risks and threats related to cyberwarfare, whenever possible.

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With regard to the topic of ways to strengthen the field of verification, including the role of the United Nations, the Board suggested that the Secretary-General encourage Member States to provide feedback on all studies that have been done in the field of verification for lessons learned purposes and for a better understanding that a "one-size-fits-all" approach in the field of verification could be counterproductive. The Board also felt that although the United Nations had primary responsibility in dealing with international peace and security issues, it could consider a role for regional organizations in verification matters.

Following consideration at its July session of an additional item on conceptual issues leading up to the 2010 Review Conference, the Board recommended that the Secretary-General continue to provide his strong support for the positive political momentum in the field of bilateral and multilateral nuclear disarmament and non-proliferation through effective diplomatic channels, as well as through public statements. The Board also proposed that the Secretary-General encourage States to sign the International Atomic Energy Agency (IAEA) additional protocols and to implement as many confidence-building measures as possible. The Board also expressed support for the five-point plan of the Secretary-General to revitalize nuclear disarmament efforts and suggested that the Secretary-General might consider advancing an updated version of his proposals in view of new developments since October 2008.

As the Board of Trustees for the United Nations Institute for Disarmament Research, the Board adopted the Institute's 2009 programme and budget and approved, for submission to the General Assembly, the report of the Director of the Institute on its activities from August 2008 to July 2009, as well as the proposed programme of work and budget for 2009 and 2010. The Board also recommended the granting of a continuing subvention for the United Nations Institute for Disarmament Research from the United Nations regular budget for the biennium 2010-2011.

I. Introduction

1. The Advisory Board on Disarmament Matters held its fifty-first and fifty-second sessions, respectively, in New York from 18 to 20 February 2009 and in Geneva from 1 to 3 July 2009. The present report is submitted pursuant to General Assembly resolution 38/183 O. The report of the Director of the United Nations Institute for Disarmament Research (UNIDIR), approved by the Advisory Board serving as its Board of Trustees, has been submitted in a separate document (A/64/261).

2. Carolina Hernandez of the Philippines chaired the two sessions of the Board in 2009.

3. The present report summarizes the Board's deliberations during the two sessions and the specific recommendations it conveyed to the Secretary-General.

II. Substantive discussions and recommendations

A. Cyberwarfare and its impact on international security

4. The Board exchanged views on issues of cyberwarfare and its impact on international security. As a follow-up to discussions it had on emerging weapons technologies during the past three sessions, the Board exchanged views on the emerging risks and threats related to cyberwarfare.

5. At its fifty-first session, the Board had before it a food-for-thought paper on the agenda item prepared by the Director of UNIDIR, Theresa Hitchens.

6. At the same session, the Board also heard a presentation by an expert, James Andrew Lewis, Senior Fellow and Program Director at the Center for Strategic and International Studies, on the issue of cyberwarfare and security.

7. The Board's deliberations on the topic during its two sessions clearly showed that the issue of cyberwarfare remained a complex and complicated issue that had a significant impact on both national and international security, as well as on human security, in particular in view of the potentially destabilizing impact that cyberwarfare may have on civilian society.

8. It was stated that, while qualitatively different from biological or chemical weapons, in particular in the area of dual use, cyberwarfare shared similarities with them. Views were expressed on how the issue could be effectively addressed in terms of preventive measures and possible regulations at various levels — national, regional and international — while taking into account all relevant aspects of national and human security, as well as civil liberties.

9. Questions were asked regarding whether cyberwarfare was a disarmament/arms control issue or a law enforcement issue. Some members were of the view that cyberwarfare should be addressed within the context of arms control rather than disarmament. The need to prevent the use of information technology for hostile purposes and the need to prevent another arms race spiral was also emphasized.

10. In connection with the potentially destabilizing impact that cyberattacks could have on civilian society, there was a shared view of the difficulties in reaching a clear delineation between cyberwarfare and cyberattacks. Comments were made on the need to distinguish between hostile and non-hostile actors in cyberspace. Nonetheless, several members stressed that Governments should not infringe upon civil liberties in their efforts to prevent cyberattacks.

11. Opinions were expressed over the need for the creation of social norms in cyberspace due to rapid advances in the field of information technology. However, questions were posed on whether it would be possible to establish such norms due to the considerable gap in information technology capabilities among States.

12. Given the complex nature of the topic, the Board agreed that more detailed work and studies were required before the matter could be considered in the context of arms control and disarmament. In particular, ideas were put forward to suggest that UNIDIR could conduct a comprehensive study on cyberwarfare/cybersecurity and its impact on international security.

13. Strong support was also expressed over the establishment by the Secretary-General of the group of governmental experts on information security, which will start its work during the latter part of 2009. It was believed that such a group would be able to provide better technical expertise on the issue. It was also suggested that the group could consider some of the ideas and suggestions made by the Board for consideration in its work. Several members also recommended that UNIDIR should contribute to the work of the group.

Recommendation

The Board made the following recommendation:

14. **The Secretary-General should raise the awareness of Governments and the general public of the emerging risks/threats related to cyberwarfare, whenever possible.**

B. Ways to strengthen the field of verification, including the role of the United Nations

15. The Board discussed its second agenda item on ways to strengthen the field of verification, including the role of the United Nations during its two sessions in 2009.

16. At its fifty-first session, three members, Dewi Anwar, Kate Dewes and Carlo Trezza, presented food-for-thought papers on the topic.

17. The Board had an in-depth exchange of views on the topic of verification, with particular emphasis on nuclear verification issues. Members stressed that in order for verification processes to be successful there was a requirement for such processes to be perceived as independent by all countries. It was also stressed that in order to be seen as legitimate, multilateral verification processes should be undertaken by independent experts, taking into account the due security interests of the States concerned, and in accordance with a set of internationally accepted global norms on verification.

18. Many members concurred that multilateral verification was complex, costly and challenging to enforce. Views were expressed that verification was necessary in order to sustain arms control regimes and that verification must be accompanied by penalties for violations, as well as enforcement capacities. Some members stressed that verification mechanisms were worthless if there were no ways to effectively act against potential violators. One member stated that while national legislation was perhaps a first level of enforcement, there was a need to recognize that State parties have a diversity of domestic contexts, some of which would not support national legislation on the matter.

19. Several members expressed the view that verification mechanisms must be launched within the framework of multilateral agreements, while others stressed that bilateral agreements were also important. Some members commented that while multilateral approaches should be the objective, there could also be merit in having regional organizations play important roles.

20. Other related views included the need for verification systems to be devised with specific aims according to international agreements and types of weapon systems; for verification to provide sufficient assurance that a State's security would not be undermined; and for the systems to be functional and subordinate to the real security needs of States.

21. Members emphasized the importance of taking into account the difference between making a deliberate choice for non-compliance and the lack of capability for compliance by a State. Some members stressed the necessity of making a clear distinction between the unwillingness and the lack of capability of State parties to fulfil their commitments under various arms control regimes.

22. It was stated that a fundamentally changed world had created many actors conducting activities within the national territories of some States, in particular States unable to exercise full control over their territories. It was therefore stressed that there was a need to understand and learn how to tackle such situations. Several members also stressed that verification needed to be extended to the conventional weapons often used by transnational criminal organizations and in intra-State conflicts. A view was expressed on the need to tackle the verification of the illicit trafficking of conventional weapons by non-State actors. However, a question was raised about the feasibility of that verification, given the illicit nature of such trafficking.

23. During both sessions, several members emphasised the importance of societal verification. It was stated that the prospects for societal verification were good, owing to the increased use of the Internet and social networks by individuals, which might help and strengthen verification efforts at the grass-roots level since many of those actors operated on the ground and their social networks tended to have "better" or more "independent" information. A comment was also made on the evolution of technology and how it could possibly make verification more effective.

24. In connection with the verification of a fissile material cut-off treaty, many members stated that it was important to address a wide range of questions, including on the meaning and scope of the treaty; on which multilateral institution should be mandated to undertake the verification; on whether there should be separate international instruments for verification or whether internationally verifiable measures should be included in the basic instrument; and on the costs involved.

Mention was also made of the need for such a verification system to be legally binding.

25. Also noteworthy were opinions stating that although a universal and absolute verification system was difficult to achieve, there was still a need to develop internationally accepted global norms on verification. Views were also expressed on the need to determine more precisely what "militarily significant" meant in the field of verification and on the need to take into consideration the fact that commercial activities could and had been used to avoid verification, such as in the case of biological weapons.

26. The Board agreed that Governments should pay more attention to the results of independent inspections and engage in periodic reviews of work done by various inspection agencies/multilateral institutions in order to chart avenues to improve the work done at that level.

Recommendations

27. **The Board made the following recommendations:**

(a) **The Secretary-General could encourage Member States to provide feedback on all studies that have been done in the field of verification for lessons learned purposes and for a better understanding that a "one-size-fits-all" approach in the field of verification could be counterproductive;**

(b) **While the United Nations has primary responsibility in dealing with international peace and security issues, it could consider a role for regional organizations in verification matters.**

C. Conceptual issues leading up to the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

28. At its fifty-first session, the Board agreed to discuss a third agenda item on conceptual issues leading up to the 2010 Review Conference, with a view to providing the Secretary-General with a set of concrete and practical recommendations prior to the 2010 Review Conference. The new item was subsequently added to the Board agenda for its July session.

29. Two Board members, Nobuyasu Abe and Kate Dewes, presented food-for-thought papers on the topic at the fifty-first session.

30. The Board recognized and welcomed recent developments in the field of nuclear disarmament and non-proliferation, which might have a positive impact on the Nuclear Non-Proliferation Treaty Review process, including the positive outcome of the third session of the Preparatory Committee for the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons; the ongoing nuclear negotiations between the United States of America and the Russian Federation; the call of United States President Obama for a nuclear-weapon-free world and his commitment to have the United States Senate ratify the Comprehensive Nuclear-Test-Ban Treaty (with Indonesia signifying it will also ratify the Comprehensive Nuclear-Test-Ban Treaty following ratification of the Treaty by the United States); and the respective strategic posture reviews by the United States and the North Atlantic Treaty Organization.

31. Many members agreed that the new positive momentum towards achieving a nuclear-weapon-free world should be further strengthened. A view was expressed that the 2010 Review Conference needed to show progress and that this could be facilitated by progress made by the United States on the policy declarations of President Obama, preferably before the 2010 Review Conference.

32. Several members also expressed the view that a strong message by the Secretary-General on the 2010 Review Conference would be of vital political importance and would have a positive effect on the non-proliferation agenda. It was also emphasized that the Secretary-General should maintain the political momentum for nuclear non-proliferation and disarmament already under way, setting it in the context of the overall international and regional security situations.

33. The Board identified other important elements that could help to strengthen the positive political momentum, such as the need to encourage States to ratify the IAEA Additional Protocols, preferably before the 2010 Review Conference; the need for nuclear-weapon States to adhere to the Protocols of all existing nuclear-weapon-free zone treaties; and the need for equal attention to be paid to the three pillars of the Nuclear Non-Proliferation Treaty (nuclear disarmament, nuclear non-proliferation and the peaceful uses of nuclear energy), which should be considered together and not separately.

34. Other noteworthy comments included calls for a fourth special session of the General Assembly on disarmament in the near future and for taking regional security considerations into account, as well as genuine concerns over energy security by States, in particular in the developing world.

35. Concerns were also expressed about potential negative factors that could cast a shadow on the positive momentum, such as the nuclear weapons development programme of the Democratic People's Republic of Korea, the outstanding issues concerning the Islamic Republic of Iran and the issue of non-State parties to the Treaty possessing nuclear arsenals. Views were also expressed that withdrawal from the Treaty should be discouraged and that there was a need for timely and concrete action to deal with the matter.

36. Some members, however, voiced caution by stressing the need to have both realistic and practical expectations about the outcome of the 2010 Review Conference. The importance of identifying and working with both potential "deal makers" and "deal breakers" was also stressed.

Recommendations

37. **The Board made the following recommendations:**

(a) **The Secretary-General should continue to provide his strong support for the positive political momentum in the field of bilateral and multilateral nuclear disarmament and non-proliferation through effective diplomatic channels, as well as through public statements;**

(b) **The Secretary-General should encourage States to sign the additional protocols and to implement as many confidence-building measures as possible;**

(c) **Given new developments since his proposed five-point plan of October 2008, the Secretary-General might consider advancing an updated version of the plan.**

III. Meeting with the Secretary-General

38. The Board met with the Secretary-General on 18 February 2009. Members of the Board took the opportunity to exchange views on issues related to multilateral disarmament and non-proliferation.

IV. Civil society/non-governmental organization presentations

39. As is customary, the Board heard presentations on issues pertaining to its agenda from representatives of non-governmental organizations during both of its sessions. On verification, presentations were made at the fifty-first session by James Acton, Associate in the Non-Proliferation Program at the Carnegie Endowment for International Peace, and Andreas Persbo, Verification Research, Training and Information Centre.

40. At the Board's fifty-second session, Beatrice Fihn, a Research Officer in the Programme on the Geopolitical Implications of Globalisation and Transnational Security at the Geneva Centre for Security Policy, and Arend J. Meerburg, a member of the International Panel on Fissile Materials, briefed the Board on issues related to a treaty banning the production of fissile materials for nuclear weapons.

V. Board of Trustees of the United Nations Institute for Disarmament Research

41. At its fifty-first session, the Advisory Board, sitting as the Board of Trustees, welcomed the new Director of UNIDIR, Theresa Hitchens. The Board received a comprehensive briefing from the Director and the Deputy Director, Christiane Agboton Johnson, on the work of the Institute since the previous session of the Board in July 2008 and on its planned activities for 2009. The Board commended the work carried out by UNIDIR and expressed support for its activities.

42. The Board formally adopted the Institute's 2009 programme of work and budget (see A/63/177), which had been presented at the Board's fiftieth session, held in Geneva in July 2008, taking into account the comments of the Advisory Committee on Administrative and Budgetary Questions contained in a letter dated 12 February 2009. The Board also took note of the Office of Internal Oversight Services internal audit report on UNIDIR and both the Secretary-General's and the Institute's responses to the recommendations made by the Office.

43. At its fifty-second session, the Director of the Institute gave a briefing to Board members on the work undertaken by UNIDIR since its previous meeting. A subcommittee on UNIDIR, consisting of five Board members, met prior to the regular session, on 30 June, to review the UNIDIR programme in detail.

44. Members of the Board expressed continued strong support for the work of the Institute. An exchange of views was held on ways to strengthen the Institute's future research programmes and its fund-raising activities.

45. After considering the draft report of the Director on the activities of the Institute for the period from August 2008 to July 2009 and the proposed programme of work and estimated budget for 2009 and 2010, the Board approved the report for

submission to the General Assembly. The Board also recommended the granting of a continuing subvention for UNIDIR from the United Nations regular budget for the biennium 2010-2011.

VI. Future work

46. The Board exchanged views on several possible topics for discussion at its sessions in 2010, including a wide range of issues such as the trafficking of conventional arms, ammunition, small arms and light weapons, an arms trade treaty, biosecurity, terrorism involving weapons of mass destruction, a zone free of weapons of mass destruction in the Middle East and missile-related issues. Some members also proposed that focused consideration be given to the issue of disarmament education.

47. The Board agreed to continue its consideration of the third agenda item, entitled "Conceptual issues leading up to the 2010 NPT Review Conference" at its next session in February, given continuing developments in the field of nuclear disarmament and non-proliferation, and to provide the Secretary-General with a new set of recommendations prior to the Review Conference scheduled to be held in May 2010.

48. Other possible topics suggested were (a) the illicit trafficking of conventional arms; (b) humanitarian disarmament issues with reference to cluster munitions or the Convention on Certain Conventional Weapons; and (c) follow-up discussions to the 2002 United Nations study on disarmament and non-proliferation education.

VII. Conclusions

49. Although the Board recognized the issue of cyberwarfare as an emerging risk/threat to international security, the highly complex nature of the topic required the broader involvement of governmental, academic and scientific communities in discussing the possible implications of such technologies. The Board believed that more detailed work and studies were required before the matter could be considered in the context of arms control and disarmament. The Board's exchange of views on the issue of verification focused largely on multilateral nuclear verification issues. The Board stressed that in order for multilateral verification processes to be successful there was a need for such processes to be perceived as independent by all countries. Many Board members also agreed that multilateral verification was complex, costly and challenging to enforce. The Board welcomed recent positive developments in the field of nuclear disarmament and non-proliferation. Consequently, the Board recommended that the Secretary-General continue to provide his strong support through effective diplomatic channels and public statements, with a view towards helping to maintain the positive political momentum in nuclear disarmament and non-proliferation efforts.

Annex

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[a] Participated in both the Board's fifty-first and fifty-second sessions.
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